

The Conservation Commission held a meeting on January 14, 2010 at 7:00 in the GAR Room, City Hall. Members present: Chairperson Stephanie Danielson, Greg Enos, Scott Ford, James Bosco Tim Reilly. Also present were Secretary Pamela Gurley and Marta and Henry Nover, Nover-Armstrong Associates.

1. Notice of Intent

Address: 306 Crescent Street

Applicant: Mutual Oil

Representative: Attorney John Creedon

Attorney Creedon said that he has finally has gotten his client to agree to the recommended seeding. He said he finally convinced his client that there would be no taking. He said he went online and did some research on wetlands mixes and will select an appropriate wetlands mix. He said he is also trying to convince his client to add low shrubs as a marker so that he will know where the bounds are. He said he would like a continuance to the next meeting in order to submit plans and a letter outlining 3,700 SF of seeding.

Hearing was continued to January 28, 2010 at the request of the applicant.

2. Notice of Intent

Address: Plot 14 Sargents Way

Applicant: George Millette/Hawkeye Fence

Representative: Attorney John Creedon

Ms. Danielson asked Mr. Millette if he received the notice sent to him from DEP. Although it was mailed to his business address Mr. Millette said that he did not receive the notice. He said he is also no longer working with Green Environmental as they were unable to complete the job. Mr. Millette submitted an email from Frank Bailey, Bay State Gas stating that they regularly maintain the easement. Ms. Danielson said that she is not sure it is relevant to the property as there is no proper identification in the email. Mr. Millette said that he is requesting addition time in order to hire a new firm and complete the work.

Ms. Danielson said that the Commission has been dealing with the site for more than two years and if the Commission agrees to a continuance she would like some assurance by that next meeting that the issues will be addressed or an enforcement will issue and be sent to DEP.

The Commission agreed to a continuance to the February 25, 2010 to allow Mr. Millette adequate time to secure another engineering firm. and advised Mr. Millette that the meeting filing deadline was noontime February 12th. The Commission reiterated that if the proper documentation was not filed with the Commission by the 12th that an enforcement order will be issued and forwarded to DEP.

3. Notice of Intent

Address: 915 West Chestnut Street

Applicant: 99th Regional Support Command (East)

Representative: Innovar Consulting

Christine Johnson

The NAA report 1/14/10 was read into the record by the Chair.

Mr. Nover said that the plans submitted do not show wetland resource areas and that the flags do not show. He said that the Commission needs a plan that shows all resource areas that will become the plan of record. He said that the Commission also needs to know who did the flagging. He said that the pre plan shows the resource line with flagging. Ms. Danielson said that the plans must accurately depict the resource areas and explained that the final approved plan is the record of the project (plan must show all jurisdictional areas plus buffer zone). Mr. Nover suggested that they re submit the 8 ½ x 11 plan contained in the NOI in full size. Mr. Ford noted that the plans are not color coded as required by the Commission.

Mr. Nover said that NAA has never walked wetland but Ms. Nover said that she has been to the site and from the information submitted it appears that line is OK.

Mr. Nover said that the tributary plan is an existing conditions plan and is sufficient to use but that the proposed work to the existing drainage area headwall is considered an alteration and is not identified in NOI. Mr. Nover said that he believes that more recharge is going to take place and that they need to submit the redevelopment checklist; he said there are no details for replacement of the stormwater pipe system. Mr. Nover suggested improvements that they could make and said that there are already some improvements due to the removal of impervious surface as the parking lots now sheet flow and release off site. Ms. Danielson asked who would be responsible for identifying the stock piling area and was told the contractor and the Commission agreed that could be contained in an order of conditions.

The Commission stated that the plans submitted need to show wetland line and BZ and need to be stamped by the PLS. When asked if they needed to re-flag the applicant was told that there was no reason to believe that the wetland boundary will be different so that they just needed to show the flag locations on a plan. Mr. Reilly said he did not see on the plan where pavement is being removed (demo plan shows location). Mr. Nover said that the driveway west of the building will be removed almost the length of the building. Mr. Nover said that the detail of the man hole, detail of headwall, etc. should also show on the

plan. He said there is no explanation of the “filter barrier” but that typical detail is hay bales and silt fencing and that they do not need hay bales in resource areas.

Continued to February 25, 2010 at the request of the applicant.

Other Business

803 Crescent St. (Maher Bros.)

Steve Maher

Ms. Nover said that a prior enforcement from several years ago was not resolved and that the Commission received a complaint that they were pushing snow toward (and into) the river. Mr. Maher said he does push snow toward the bank but does not push it into the river. He said he will push it to the other area from now on. He said inventory is low and cars are not parked in the back right now. He said that the erosion caused by the water is fierce; he can not stop the water. He said he has been speaking with DICAM and that they have plans to take the property to widen the entrance to Massasoit.

Ms. Nover said that if the state is taking over the property they may be some opportunity for restoration and flood plain management. Ms. Danielson said that it would be a good time to speak with the state before final plans are done. Mr. Maher said that he has been speaking with Phil Sheppard at Massasoit.

1014 Pearl Street

Ms. Nover said in response to a complaint made to the office she conducted a site visit on 1/11/10. on site. Jenni Mather said that they put stone in the swale in the river but said that the swale existed all they did was add the stone and removed vegetation in the back of the building, but left the roots.

Ms. Danielson asked the property owner what due diligence was done before buying the property. She said she contacted Walter Hewitson before she bought the property in case it needed to be added on to. She said he walked the site and saw no wetlands on the property and said that building off the back would not be a problem. She said she did not realize that she should not remove vegetation she thought it was only if you are building. Ms. Danielson said that Brockton has a 25' river front area (that is to remain undisturbed) she would have had a problem with the use so close to a wetland. Ms. Mather said that the property was an existing kennel when she bought it. She said they constantly scoop poop and wash urine – very sanitary potty area on left side of area. She said that wood chips were placed over the vegetation. She said she wants to make it right.

Mr. Enos asked if there was always a fenced there and was told that they extended the fence about 40'. Mr. Ford asked how many dogs at the max and was told 150 dogs max; normal is 100 dogs. He asked how often the wood chips are replaced. They have been there 3 months and have received an additional

load (probably three to four times a year). She said they use a 40:1 bleach concentration to wash down the potty side.

Mr. Reilly said that urine does seep down and asked if there was a problem with the concentration of urine getting into the stream. Mr. Bosco asked how much bleach is used at one time and was told about 1 ½ gallons.

Ms. Danielson said they will need to hire a wetland scientist to delineate the site and outline where the work was done and provide a plan for restoration. She said that there may be measures that can be taken so there is no impact to the resource areas.

The Commission agreed to continue the matter to April 8, 2010 to allow the property owners to hire an engineering firm and give them adequate time to file the proper documents.

Plot 90 Oak Hill Way – South Brockton LLC/Bake LLC have requested an extension to their Army Corp. permit for the culvert work. As the current plan is not the plan first submitted to the Corp. for approval the Commission instructed NAA to draft a letter to Corp. with the history.

370 Howard Street (Self Help)

Ms. Nover said she conducted a site visit. She gave the background to the members and said that Self Help is not in compliance with order. She said the Commission issued a partial certificate of compliance for the first order. She said that the DEP website said that there was a release of oil on the site (and as a result 1.5 m gallons of water were removed as part of remediation). She said that the remediation is being done under mass contingency plan and an order should have been filed after the fact, she said there is also some residual contamination. The Commission instructed NAA to issue an enforcement order.

Good Samaritan Hospital
Brian Dunn

Scott Ford stated for the record that he had a family member employed by Caritas Good Samaritan.

Mr. Dunn said that because of the proposed emergency room addition there will be a plethora of contractors working on the site. He said there is an agreement with Frank to park cars and then the workers will be taken by van to the construction site (75-100 workers). He said they are looking for pedestrian access (existing access goes over drainage ditch). He said the ditch is overgrown and they are asking to put crushed stone in the area (10' wide) to allow the contractors to walk to the vans. He said all they are doing is revitalized an existing walkway; it will be a temporary upgrade and they are proposing to install silt fencing on each side of the crushed stone. He said the temporary walk will be needed for about one year and will be removed after work is done.

Ms. Danielson said she would like to see them file an RDA so that the Commission can spell out the work allowed. The Commission agreed that an RDA would be appropriate.

COB/Bartlett St. Bridge/Interceptor Project

Al Medeiros, GC for the project

Ms. Nover said that although the bridge work is exempt that the clearing for the staging area was not approved by the Commission. Per the order for the interceptor several documents were to be filed with and approved by the Commission before work started. Mr. Medeiros apologized and said he brought with him a copy of the demo plan, the bypass plan, and dewatering plan. Ms. Danielson said that they will review the documents and asked that NAA keep an eye on the project. Ms. Danielson asked that the Commission and NAA receive notification of at each phase of the project.